

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Revisions to Reporting Requirements Governing) WT Docket No. 17-228
Hearing Aid-Compatible Mobile Handsets)

COMMENTS OF CTIA AND COMPETITIVE CARRIERS ASSOCIATION

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CTIA¹ and Competitive Carriers Association² (“CCA” and collectively “the Associations”) respectfully submit these comments in support of the Notice of Proposed Rulemaking issued by the Federal Communications Commission (“Commission”) seeking comment on revisions to the Commission’s wireless hearing aid compatibility (“HAC”) reporting requirements.³ The wireless industry is committed to HAC and have not only deployed a variety of HAC-compliant wireless handsets in the market but have undertaken multiple steps to ensure that consumers have the information they need to make informed choices about how to find those devices. Accordingly, a reporting requirement is unnecessary and diverts resources from more effective means of conveying information to consumers. The Associations therefore urge the Commission to recognize that the Form 655 is unnecessary to achieve the Commission’s

¹ CTIA® (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable America to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s largest tradeshow. CTIA was founded in 1984 and is based in Washington, DC.

² CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

³ See *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Notice of Proposed Rulemaking, WT Docket No. 17-228, FCC 17-123 ¶ 2 (rel. Sept. 27, 2017) (“Notice”).

goals and can be eliminated for service providers without undermining the ability of consumers to obtain information about hearing aid compatible wireless handsets. Indeed, the Associations and our member companies remain committed to collaborating with advocates of consumers with hearing loss or any other interested parties to identify ways to ease access and enhance consumer resources for information about HAC-compliant wireless handsets.

I. INTRODUCTION AND SUMMARY.

CTIA, CCA, and our member companies have a long track record of supporting the Commission's wireless HAC policies, which have enabled consumers who use hearing aid devices to choose among a variety of HAC-compliant wireless handsets to meet their needs. Through this commitment, the wireless industry has worked collaboratively with representatives of consumers who use hearing aid devices—including the Hearing Loss Association of America ("HLAA"), Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), and the National Association of the Deaf ("NAD")—to find consensus solutions to enhance HAC-compliant wireless handset offerings and ensure consumers can understand the HAC rating system and find HAC-compliant wireless handsets.

Consumers obtain information about HAC and the many HAC-compliant devices through several sources, such as:

- Wireless service providers and manufacturers, for example, through the industry-wide AccessWireless.Org, company-specific HAC webpages, and in-store testing;
- Wireless industry participation in conferences and industry-consumer dialogues;
- The Commission's Accessibility Clearinghouse and consumer guides;
- Consumer groups and universities, which maintain extensive online resources, publish newsletters and magazines, and hold conferences; and
- Hearing aid manufacturers and audiologists that develop and fit the hearing aids and cochlear implants consumer use, among others.

Given the wide array of HAC information sources available to consumers, the Commission's Form 655 no longer serves its intended purpose to inform consumers about service providers' HAC offerings.

For this reason, we support the Commission's *Notice*, which proposes to revise the wireless HAC Form 655 recordkeeping and reporting requirements for service providers. Specifically, we urge the Commission to eliminate the associated Form 655 requirements for all wireless service providers.

At a minimum, any Form 655 requirements should be replaced with a certification system. Doing so will not harm consumers' ability to obtain information from the various other publicly available sources of information about HAC-rated wireless handsets. Notably, the Associations collaborate with advocates of consumers with hearing loss and other interested parties to identify ways to ease access to existing HAC-compliant wireless handsets and enhance consumer resources for information about such devices. These and other methods of making information available have proven more valuable for consumers than the outdated HAC Form 655 recordkeeping and reporting requirements.

The targeted reforms proposed in the *Notice* are distinct from the broad activities planned for the HAC Task Force, a product of the Joint Consensus proposal,⁴ which will holistically evaluate the Commission's HAC rules to determine whether 100 percent HAC is achievable, a process to which CTIA and CCA remain committed.

⁴ See Letter from TIA, CTIA, CCA, HLAA, TDI, and NAD, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250, 10-254 (filed Nov. 12, 2015) ("Joint Consensus Proposal").

II. CONSUMERS TODAY BENEFIT FROM MYRIAD USER-FRIENDLY SOURCES OF HAC INFORMATION.

As identified in both the *Notice*⁵ and the recent *HAC Volume Control Report and Order*,⁶ consumers currently can obtain information about HAC-compliant handsets from numerous sources. These sources include product information offered by service providers and manufacturers, including information about HAC on packaging materials⁷ and from publicly accessible websites;⁸ service providers' and manufacturers' call and service centers, which must

⁵ *Notice* ¶ 11.

⁶ *Access to Telecommunications Equipment and Services by Persons with Disabilities; Amendment of Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations, Report and Order and Order on Reconsideration*, CG Docket No. 13-46, WT Docket Nos. 07-250, 10-254, FCC 17-135 ¶ 50 (rel. Oct. 26, 2017).

⁷ See 47 C.F.R. § 20.19(f)(1) (requiring manufacturers and service providers to "clearly display" the HAC rating for HAC-compliant wireless handsets on handset packaging).

⁸ See, e.g., Appalachian Wireless, *Hearing Aid Compatibility Chart*, <http://www.appalachianwireless.com/?page=hacinfo> (last visited Nov. 12, 2017); Bluegrass Cellular, *Hearing Aid Compatibility*, <https://bluegrasscellular.com/support/hac> (last visited Nov. 7, 2017); Carolina West Wireless, *HAC Information*, <https://www.carolinawest.com/hac-information> (last visited Nov. 13, 2017); Cellcom, *Hearing Aid Combability Chart*, <https://www.cellcom.com/hearing-aid-compatibility.html> (last visited Nov. 12, 2017); Chat Mobility, *Devices that are Hearing Aid Compatible*, https://www.chatmobility.com/document_center/download/downloads/HAC-Flyer_November_2017.pdf (last visited Nov. 12, 2017); GCI, *Hearing Aid Compatibility*, <https://www.gci.com/wireless/phones-devices#compare> (last visited Nov. 7, 2017); Southern Linc, *HAC FAQs & HAC Ratings*, <https://www.southernlinc.com/privacy/wireless-accessibility/hac-ratings.aspx> (last visited Nov. 12, 2017); T-Mobile, *About T-Mobile – Accessibility Policy*, <https://www.t-mobile.com/company/company-info/consumer/accessibility-policy.html> (last visited Nov. 7, 2017); U.S. Cellular, *Hearing Aid Compatibility & Accessibility*, <https://www.uscellular.com/uscellular/services/hearing-aid.jsp> (last visited Nov. 7, 2017); Verizon, *Accessibility – Hearing aid compatibility*, <http://www.verizon.com/about/accessibility/hearing-aid-compatibility> (last visited Nov. 7, 2017); AT&T, *View Hearing Aid Compatible Wireless Phones*, <https://www.att.com/esupport/article.html#!/wireless/KM1207494> (last visited Nov. 7, 2010); see also 47 C.F.R. § 20.19(h) (requiring manufacturers and service providers to display certain information about HAC and their handsets on publicly accessible websites).

provide usable and accessible customer and technical support;⁹ and in-store handset testing at retail stores owned or operated by service providers.¹⁰

In addition, for several years, CTIA has proudly supported AccessWireless.Org as a first-stop resource for consumers to gather information about wireless accessibility, including HAC.¹¹ Specifically for consumers searching for HAC information, AccessWireless.Org provides FAQs and training videos to educate consumers how to choose a HAC-compliant wireless handset—beginning with a conversation in an audiologist’s office and ending with trying different phones before buying and testing the phone at home.¹² Consumers can also search for wireless products based on each product’s accessibility features through the site’s “Find a Phone” feature¹³ that is supported by the Mobile & Wireless Forum’s Global Accessibility Reporting Initiative (“GARI”) database.¹⁴ Further, AccessWireless.Org provides direct links to CTIA member companies’ accessibility websites in order to ease consumer access to service provider and manufacturer accessibility information, including HAC. Based on feedback from advocates for consumers who use hearing aid devices, AccessWireless.Org also established a dedicated page that provides information about HAC for senior citizens and older adults—because not everyone who could benefit from HAC information identifies with having a hearing disability.

⁹ 47 C.F.R. §§ 6.11(a)(3) (requiring manufacturers and service providers to ensure access to “customer support and technical support in the call centers and service centers which support their products at no additional charge”); *see id.* § 14.20(d).

¹⁰ 47 C.F.R. § 20.19(c)(4).

¹¹ *See* Access Wireless, *People Who Are Deaf or Hard of Hearing*, <http://accesswireless.org/Disability-Categories/Hearing.aspx> (last visited Nov. 7, 2017).

¹² *Id.*

¹³ Access Wireless, <http://accesswireless.org/Find.aspx> (last visited Nov. 9, 2017).

¹⁴ Global Accessibility Reporting Initiative, *Find Accessible Devices & Apps*, <https://www.gari.info/findphones.cfm> (last visited Nov. 7, 2017).

CTIA also has sponsored a panel at HLAA’s annual conference for many years to educate HLAA’s members about wireless accessibility, including HAC. Similarly, the Commission’s Accessibility Clearinghouse,¹⁵ GARI,¹⁶ and consumer groups also play an important part in educating consumers about HAC, and hearing aid manufacturers and audiologists should play a more prominent role as well.

CCA likewise holds regular seminars at its Annual Conventions and Mobile Carriers Shows to highlight areas where industry and consumers groups can collaborate to ensure consumers have continued access to information. As another example, CCA regularly hosts roundtable discussions to foster candid conversations between its members and a variety of stakeholders on improving access to telecommunications services and advanced telecommunications capabilities, while helping its members maintain compliance with requirements of the Commission and the Twenty-First Century Communications and Video Accessibility Act of 2010.¹⁷

All of these information sources convey HAC information to consumers in clearer, more user-friendly, and timelier ways than the technical and lengthy Form 655 reports, or the Commission’s summaries of those reports, which routinely take months to be made publicly available on the Commission’s website. In fact, the Commission’s most recent Biennial Report to Congress notes industry’s “notable efforts to ensure the availability of information and

¹⁵ FCC, *Accessibility Clearinghouse – Products and Services*, <https://ach.fcc.gov/products-and-services/> (last visited Nov. 7, 2017); FCC, *Accessibility Clearinghouse – Hearing, Language and Speech Disabilities*, <https://ach.fcc.gov/resources-by-disability/hearing-language-and-speech-disabilities/> (last visited Nov. 7, 2017).

¹⁶ Global Accessibility Reporting Initiative, *Find Accessible Devices & Apps*, <https://www.gari.info/findphones.cfm> (last visited Nov. 7, 2017).

¹⁷ See Comments of Competitive Carriers Association, CG Docket No. 10-213 at 4 (filed Sept. 7, 2016).

documentation” related to covered products and services.¹⁸ And, importantly, neither the Commission, nor CTIA or CCA is proposing to modify or eliminate the availability of these sources of information.

III. FORM 655 IS BURDENSOME TO WIRELESS SERVICE PROVIDERS AND DEVOID OF BENEFIT TO CONSUMERS.

Not only is the Form 655 reporting regime unnecessary for consumers to obtain useful information about HAC, it is also unnecessary for service providers’ compliance with the HAC rules. As observed in the *Notice*, service providers’ status reports “in recent years have reflected near universal compliance with hearing aid compatibility requirements,”¹⁹ and “[t]he majority of small and regional service providers have been meeting the enhanced 66 percent and 85 percent benchmarks that will not apply to them for several years.”²⁰

The Form 655 reporting requirement at most may confirm that service providers are complying with the underlying HAC requirements. But even as a compliance tool, Form 655 is too complicated, and its online filing portal is outdated and unwieldy. In particular, data must be manually entered, which is both time-consuming and a source of input errors.²¹ Further, service providers encounter difficulty when entering the many different devices they offer customers, leading to incomplete reports at deadline which must be amended through Commission staff.

¹⁸ Consumer and Government Affairs Bureau, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2016, CG Docket No. 10-213 (rel. Oct. 7, 2016).

¹⁹ *Notice* ¶ 6.

²⁰ *Id.* n.14.

²¹ *See id.* ¶ 15 (seeking comments on the burden of the HAC reporting requirements separate from the non-reporting requirements of the HAC regime).

Moreover, the information required in Form 655 does not reflect how a service provider would keep records in the ordinary course of business for either business or regulatory purposes. As a result, covered entities often create new records for the *sole* purpose of this reporting requirement that does not advance consumers' interests.²²

Although the Commission estimates that it takes 2.5 hours to complete the Form,²³ that estimate is out of touch with industry's experiences. As the Rural Wireless Association ("RWA") has explained, it takes "weeks" to compile the necessary information and to complete the Form—a burden for service providers of all sizes.²⁴ Such burden is not warranted here, where consumers can obtain information about HAC-rated handsets from other sources and the Commission has other means of ensuring service providers' compliance with the HAC rules.

IV. THE COMMISSION SHOULD ELIMINATE THE FORM 655 REPORTING REQUIREMENT FOR ALL SERVICE PROVIDERS.

For the reasons noted above, the Commission should eliminate the Form 655 reporting requirement for all service providers, a move that will provide regulatory relief without harming consumers.²⁵ The Commission adopted the Form 655 requirements for reasons that, today, are

²² For example, the Commission requires identification of frequency bands in megahertz or gigahertz—information that is not needed for non-HAC purposes and does not easily translate into HAC/non-HAC in a consumer's mind. *See* FCC Form 655 Instructions Figure 11 (requiring filers to identify air interfaces and frequency bands in specific ranges—by checking specific boxes—that straddle the most common CDMA, WCDMA, LTE, and UMTS bands; this frequency information is not needed for other HAC purposes, such as certification in the equipment authorization process). Although the Commission collects frequency and air interface information as part of the equipment authorization process, it does so in a format that is commonly used by the wireless industry. *See Notice* ¶ 20 (seeking comment on whether the Commission collects HAC information "as part of other data collections").

²³ *Id.* ¶ 15 (citing the Form 655 instructions).

²⁴ *See* RWA Comments, WT Docket Nos. 07-250, 15-285, at 4-5 (filed Jan. 28, 2016).

²⁵ *See Notice* ¶ 20 (seeking comment on ways to update the HAC reporting requirements for all service providers, including Tier 1 carriers and to "evaluate whether any aspects of the reporting requirements are unnecessary and outdated").

better addressed by other methods: “providing information to the public, assisting efforts to verify compliance, and monitoring the general state of hearing aid-compatible handset deployment.”²⁶ As the *Notice* emphasizes, the substantive HAC requirements will remain in effect, ensuring continuing “near universal” access to HAC-compliant wireless handsets.²⁷ And, to the extent the Commission would find that the Form 655 reporting requirements are unnecessary and outdated for Non-Tier I service providers, that argument is equally applicable to Tier I service providers. The Commission should therefore extend the relief to all wireless service providers.

If the Commission nevertheless declines to eliminate the Form 655 reporting requirement for any or all service providers, the Form’s use should be significantly reduced. For example, if the goal of the Form 655 is to assist in Commission oversight, service providers could utilize annual certifications of compliance based on manufacturers’ assertions in their reports.²⁸ A certification system would provide assurance to the Commission and consumers and impose accountability on the industry while minimizing burdens.

At a minimum, the Commission should streamline the online Form 655. The Associations have urged the Commission to link the information in the Form 655 with other sources of data in the Commission’s possession.²⁹ If the Commission cannot link the

²⁶ *Id.* ¶ 9.

²⁷ *Id.* ¶ 15.

²⁸ *See id.* ¶ 20; *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Report and Order, 31 FCC Rcd 9336, 9379 (2017) (Statement of Commissioner Michael O’Rielly) (noting that “wireless providers that reasonably rely on the hearing aid compatibility rating information filed by manufacturers on their Form 655s will be shielded from FCC enforcement actions”).

²⁹ *See, e.g.*, Joint Comments of CTIA, Telecommunications Industry Association, and Competitive Carriers Association, WT Docket Nos. 15-285, 07-250, at 12 (filed Jan. 28, 2016) (supporting the

information with other sources of data, it should revise the online filing portal so that filers can upload data as well as copy and paste, rather than having to enter each piece of information manually.³⁰

Of course, CTIA and CCA will seek to collaborate with advocates of consumers with hearing loss or any other interested parties to identify ways to ease access and enhance consumer resources for information about HAC-compliant wireless handsets.³¹ However, the case for the relief is so compelling that the Commission should not delay in removing and/or streamlining the filing requirements. That action will ease unnecessary regulatory burdens on providers without harming consumers.

V. CTIA, CCA, AND OUR MEMBER COMPANIES REMAIN COMMITTED TO THE HAC TASK FORCE PROCESS.

The many stakeholders in the HAC ecosystem are beginning the HAC Task Force process—as detailed in the Joint Consensus Proposal and supplemental filings—which will holistically evaluate the Commission’s HAC rules to determine whether 100 percent compliance is achievable considering technical and market conditions.³² The targeted reporting reforms discussed in the *Notice* can and should improve the substantive HAC regime immediately

Commission’s proposal to link information in the filed Forms 655 with the Accessibility Clearinghouse for as long as Forms 655 are required to be filed).

³⁰ See, e.g., PN Comments of CTIA—The Wireless Association – Accessibility of Communications Technologies, CG Docket No. 10-213, at 5 (filed July 15, 2014) (urging the Commission to “update and streamline its HAC reporting requirements by updating its form . . . to make it more user-friendly (e.g., by allowing users to cut and paste information, identifying errors with specificity, and providing entities with copies of previous reports to avoid duplicative efforts”).

³¹ See Letter from Lise Hamlin, Director of Public Policy, HLAA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-228, at 1-2 (filed Nov. 1, 2017).

³² See Joint Consensus Proposal; see also Letter from TIA, CTIA, CCA, HLAA, TDI, and NAD, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 15-285, 07-250 (filed Apr. 21, 2016); Letter from CCA, CTIA, HLAA, and TIA, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 15-285, 07-250 (filed July 29, 2016).

without disturbing the years-long HAC Task Force process. The wireless industry looks forward to working with the Commission, consumer advocates, hearing aid manufacturers, and audiologists on the numerous issues raised by the Commission for the Task Force to consider.

VI. CONCLUSION.

CTIA and CCA urge the Commission to reform the Form 655 filing requirements as described above.

Respectfully submitted,

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